

**REMARKS**

Claims 1, 4, 6, 7, 9-14, 16-25 and 27-36 are pending. Claims 3 and 26 were canceled without prejudice to or disclaimer of the subject matter of the claims. Claims 2, 5, 8 and 15 were previously canceled. Claims 1, 4, 6, 7, 14, 16, 17 and 23-25 have been amended. New independent claims 28, 31 and 34 have been added, support for which can be found in the specification at, among other places, page 11, lines 4-10. New dependent claims 27, 29, 30, 32, 33, 35 and 36 have also been added, support for which can be found in the specification at, among other places, page 11, line 23 to page 12, line 8. Applicant respectfully requests continued examination of the application in response to the final Office Action.

**Claim Rejection – 35 U.S.C. §102(e)**

Claims 1, 3, 4, 6, 7, 9-14, 16-23 and 26 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,628,310 to Hiura *et al.* ("Hiura"). Applicant traverses the rejection for at least the following reasons.

Claim 1, as amended, recites a method for providing a transition between a first graphical user interface (GUI) element associated with a first application running on a computer and a second GUI element associated with a second application running on the computer, the first application being displayed on a computer display in a first window and the second application in a second window, the method including the steps of:

- detecting, when the first application is active, user selection of the second window to make the second application active;
- replacing the first GUI element associated with the first application that is displayed on the computer display with the

second GUI element associated with the second application;  
and

in response to detecting the user selection of the second window, providing visual notification of the replacement of the first GUI element with the second GUI element by rendering animation graphics to animate a transition between the display of the first and second GUI elements.

As described in the specification of the instant application, in one embodiment, a first application that is active can be displayed in a window in the foreground of the display (e.g., the word processing application shown in FIG. 2a), while a second application that is not active can be displayed in a window in the background of the display (e.g., the drawing application shown in FIG. 2a). (See, Specification at page 5, lines 6-13). In response to a user selecting the second application's window that is in the background to bring the second application to the foreground and make it active, a first menu bar 32 associated with the first application, which was previously in the foreground, is changed to a second menu bar 34 associated with the second application, which was previously in the background and brought to the foreground, as shown in FIG. 2b. (See, Specification at page 5, lines 13-22). The specification further describes that the change between the first and second menu bars 32, 34 can be animated in such a manner that the user would immediately recognize that a different application has been brought to the foreground and a change in the menu bar has taken place. (See, Specification at page 6, lines 23-27).

Hiura, on the other hand, describes a method of turning over a first window that is laid over a second window in order to peek at the content of the second window. (Hiura at Abstract). In particular, Hiura describes that the turn-over function is initiated when the first window is selected by placing an object on the first window

and clicking the object on the first window. (Hiura at col. 5, lines 63-67). Further, Hiura describes that if the shift key is pressed down when the first window is selected, the result of the turning-over function is to make the second window, which is immediately under the first window, the "current window" so that the first window is no longer the current window. (See, Hiura at FIG. 4B, step S117 and col. 8, lines 7-20, and see also, final Office action at pages 5-6).

Thus, in Hiura, user selection of the "current window" in the foreground initiates the animated turn-over function, whereas with respect to the specification of the instant application, user selection of the application window that is in the background initiates the animated menu bar transition. Therefore, Applicant submits that Hiura does not teach "detecting, when the first application is active, user selection of the second window to make the second application active," and "in response to detecting the user selection of the second window, providing visual notification to the user of the replacement of the first GUI element with the second GUI element by rendering animation graphics to animate a transition between the display of the first and second GUI elements," in accordance with claim 1, as amended (emphasis added).

Because Hiura does not describe each and every element as set forth in independent claim 1, as amended, Applicant submits that Hiura does not anticipate claim 1. (See, MPEP at §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §102(e) of claim 1, as well as claims 4, 6, 7 and 9-13, which depend therefrom, be withdrawn. Similarly, for reasons analogous to those presented for claim 1, Applicant submits that Hiura also

does not anticipate independent claims 14 and 23, as amended, and respectfully requests that the rejection under 35 U.S.C. §102(e) of claim 14, as well as claims 16-22, which depend therefrom, and claim 23, be withdrawn. Claims 3 and 26 have been canceled, thereby rendering the rejection of claims 3 and 26 under 35 U.S.C. §102(e) moot.

Moreover, with respect to new independent claim 28, Applicant submits that Hiura does not teach the steps of:

detecting a change between active applications running on a computer from a first application to a second application, the first application being displayed in a first window on the computer's operating system GUI and the second application being displayed in a second window on the computer's operating system GUI;

replacing a menu bar being displayed in a menu bar space on the computer's operating system GUI from a first menu bar associated with the first application to a second menu bar associated with the second application; and

in response to detecting the change between active applications, providing visual notification of the change between active applications by rendering animation graphics to animate a transition between the display of the first and second menu bars.

For example, the specification of the instant application describes a variety of three dimensional mapping techniques that may be used to map the transitioning menu bars into a menu bar display space on the computer's OS GUI. (See, Specification at page 11, lines 4-10). In one embodiment, implemented within the Macintosh Operating System (Mac OS), as shown in FIGS. 2a and 2b, the menu bar display space can be common to the applications running on the computer. That is, as shown in the example of FIGS. 2a and 2b, the word processing and drawing applications each has its own associated window on the computer's OS GUI that does not encompass the menu bar display space on the computer's OS GUI at the top of the screen. In this example, when the window associated with the drawing

application, which is initially in the background on the computer's OS GUI, as shown in FIG. 2a, is selected and brought to the foreground, as shown in FIG. 2b, the first menu bar 32 associated with the word processing application is changed to the second menu bar 34 associated with the drawing application within the menu bar display space.

As described herein, Hiura describes a method of turning over a first window that is laid over a second window in order to peek at the content of the second window. Hiura does not describe, however, replacing a menu bar being displayed in a menu bar space on the computer's operating system GUI from a first menu bar associated with a first application to a second menu bar associated with a second application. Accordingly, Applicant respectfully submits that Hiura does not anticipate new claim 28, as well as claims 29 and 30, which depend therefrom. Similarly, for reasons analogous to those presented for claim 28, Applicant submits that Hiura also does not anticipate new claim 31, as well as claims 32 and 33, which depend therefrom, and new claim 34, as well as claims 35 and 36, which depend therefrom.

#### **Claim Rejection – 35 U.S.C. §103(a)**

Claims 24 and 25 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hiura in view of U.S. Patent No. 5,724,492 to Matthews, III *et al.* ("Matthews"). Applicant respectfully traverses the rejection for at least the following reasons.

For at least the same reasons presented herein with respect to independent claim 1, from which claim 24 depends, Applicant submits that claim 24 is patentable

over Hiura and that Matthews does not disclose, and is not purported to disclose, the teachings missing from Hiura.

Moreover, claim 24, as amended, recites that "the first GUI element comprises a first menu bar having a plurality of options pertaining to functions associated with the first application and the second GUI element comprises a second menu bar having a plurality of options pertaining to functions associated with the second application" and that "the step of replacing comprises retrieving the options for the second menu bar and displaying the retrieved options at appropriate locations for the second menu bar." For example, the specification of the instant application describes that, in one embodiment, a menu manager handles the display of the appropriate menu on the menu bar. (Specification at page 5, lines 23-24). In particular, when the user switches from one application to another, the menu manager retrieves the appropriate menu items for the active application and instructs a display manager to display them at the appropriate locations for the menu bar. (Specification at page 5, line 25 to page 6, line 2). That is, the retrieved options for the second menu bar can vary depending on which application window the user has selected to make active.

Matthews, on the other hand, describes displaying a multisided object having a plurality of panels and a panel-to-panel transitional animation to the viewer. The menu panels are presented to the user as part of a three-dimensional structure. Each is connected to another to form the completed object. The viewer can use a stylus to rotate the object to reveal additional panels. As each panel is revealed, the three-dimensional menu is animated to show the spinning of the object structure and the relationship between menu panels. (Matthews at col. 18, lines 58-66). In

Matthews, the menu panels of the three-dimensional menu object are apparently predetermined or fixed. Nowhere does Matthews teach or suggest that the transitioning from a first menu panel to a second menu panel of the three-dimensional object comprises retrieving the options for the second menu panel and displaying the retrieved options at appropriate locations for the second menu panel.

Accordingly, because Matthews does not teach or suggest that "the step of replacing comprises retrieving the options for the second menu bar and displaying the retrieved options at appropriate locations for the second menu bar," as recited in claim 24, as amended, Applicant submits that no combination of Hiura and Matthews teaches or suggests all of the claim limitations of dependent claim 24, as amended. (See, MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Thus, Applicant submits that claim 24, as amended, is patentable over Hiura in view of Matthews, and respectfully requests that rejection under 35 U.S.C. §103(a) of claim 24 be withdrawn. Similarly, for reasons analogous to those presented herein for claim 24, Applicant submits that claim 25, as amended, is also patentable over Hiura in view of Matthews, and respectfully requests that rejection under 35 U.S.C. §103(a) of claim 25 be withdrawn.

Further, new claim 27 depends from independent claim 23 and recites features analogous to claim 24, as amended. Thus, for at least the same reasons presented herein with respect to claim 24, Applicant submits that new claim 27 is also patentable over Hiura in view of Matthews. Similarly, new dependent claims 29, 32 and 35 recite features analogous to those of claim 27. Thus, Applicant submits that claims 29, 32 and 35 are also patentable over Hiura in view of Matthews.

**Conclusion**

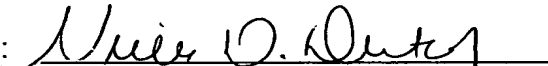
It is believed that this Amendment is accompanied by the required fees. However, if additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

In the event that there are any questions concerning this paper, or the application in general, the Examiner is respectfully urged to telephone Applicant's undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:   
Nicole D. Dretar  
Registration No. 54,076

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620